

Serial No.: 10/053,666
Atty. Docket No.: P67552US0

IN THE DRAWINGS:

With this Amendment, Applicants have submitted three replacement sheets setting forth Figures 4, 5 and 6-7. Figure 4 has been amended to include reference numerals 30, 32, 34 and 36. Figure 5 has been amended to include reference numerals 40, 42, 44, 46 and 48. Each of Figures 6 and 7 have been amended to include reference numerals 50, 52, 54, 56 and 58. No new matter has been added as only existing structures present when the application was filed have been provided with reference numerals. Entry thereof is requested.

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REMARKS

This Amendment is being filed concurrently with an RCE.

The above-captioned application is currently under appeal. With this RCE, Applicants request that the appeal be withdrawn and prosecution reopened.

The Final Office Action mailed October 16, 2007, has been carefully reviewed. By this Amendment, Applicants have amended claims 15, 21-23, 26-28 and 30, and added claims 35 and 36. Claims 15, 19-28, 30 and 32-36 are pending in the application. Claims 15, 27, 28 and 30 are independent.

As an initial matter, Applicants have submitted herewith three replacement sheets of drawings in which additional reference numerals have been added. Text corresponding with the added reference numerals has also been added to the specification. As the text and reference numerals only identify with words and labels structural components already shown in the original drawings, no new matter has been added. Entry of the replacement drawing sheets is requested.

The Examiner rejected claims 15, 19, 21-23, 26, 27, 30 and 32-34 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,234,423 to Hirahara et al. ("Hirahara"). Under 35 U.S.C. 103(a), the Examiner rejected claim 20 as being unpatentable

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over Hirahara in view of U.S. Patent No. 3,102,559 to Koppelman et al. ("Koppelman").

As set forth herein, independent claims 15, 27 and 30 have been amended to further define the fitting as having a movable part mounting structure and a structural component connecting part. These terms have been added to the specification to textually correspond with the claims and, being used only as labels to clearly identify the structure shown in the claims that is being referred to, do not add new matter to the application.

As claimed, the movable part mounting structure is that portion of the fitting that is adapted to connect the fitting to the movable part. Similarly, the structural component connecting part is that portion of the fitting that is adapted to connect the fitting to the structural component of the aircraft. To do so, the structural component connecting part includes at least one arm that extends outwardly in a direction away from the moving part mounting structure, i.e., it projects on the side of the fitting that is opposite the mounting part side of the fitting. The arm has an aperture therethrough, an inner diameter of which defines a bearing surface that is provided with a bearing 7. *All of the fitting, which as further defined clearly includes the structural component connecting part, is made of a synthetic composite material*

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according to a resin transfer molding method. This is not shown by the prior art.

In the Examiner's outline of his position in view of Hirahara, the Examiner states that the fitting corresponds with the components identified by reference numerals 13a and 13b, which the Examiner states are used to connect elements 11, 14 and 15 to the tail of the aircraft. Since Hirahara does not disclose a bearing, the Examiner takes official notice that bearings are a well known means to permit constrained relative motion between a structural and a movable part.

With the foregoing amendments, it is clear that components 13a and 13b, either taken separately or together, do not constitute a "fitting" as that element is now claimed. Components 13a and 13b include only flanges 13a and a web 13b that together form a spar 13. Attached to the spar 13 are hinges which are not identified in Hirahara except through the unlabeled structures shown in Figures 1 and 2. It is clear from Figures 9 and 14, however, that *the spar 13 itself* includes only the flanges 13a and the web 13b and *does not include the hinges*. This was substantiated by Mr. Kaufmann in his declaration filed on August 2, 2007, to which the Examiner is invited to refer.

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Hirahara is directed to a method of making a composite material airfoil structure which includes the U-shaped spar 13 bonded to the upper and lower skins 11 and 12 (column 4, lines 50-60). In forming the spar, a laminate of composite prepreg is formed into the illustrated *U-shaped cross sectional shape* and molded under heat (see column 6, lines 6-11). The spar is then fitted to the upper and lower skins, as shown in Figure 9.

To the extent the spar is a "fitting" as interpreted by the Examiner, it does not include at least one arm that extends outwardly with an aperture therethrough that defines a bearing surface for a bearing, *the arm being part of the fitting and therefore also being made of the same synthetic composite material as the rest of the fitting*. And there is nothing in Hirahara to suggest that the unlabeled hinges, which are not part of Hirahara's invention and certainly are not identified as being a structural component of the spar, are anything other than conventional metal connectors.

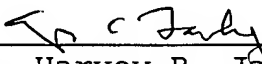
For at least the foregoing reasons, claims 15, 27 and 30 are patentable over Hirahara. Claim 28 also distinguishes over the prior art for the same reasons, setting forth a fitting that is integrally formed as one piece with the movable part and is made of a same synthetic material as the movable part, *the fitting having*

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a structural component connecting part having an outwardly extending arm with an aperture therein that is configured to connect the integral fitting and movable part with the structural component of the aircraft. Favorable reconsideration and allowance of claims 15, 27, 28 and 30 along with the claims dependent thereon, is therefore requested.

With this amendment and the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,
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